



3M INNOVATIVE PROPERTIES COMPANY
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OFFICE OF PETITIONS

In re Application of :
Karim et al. : DECISION ON PETITION
Application No. 10/613,722 :
Filed: July 3, 2003 :
Attorney Docket No. 55093US009 :

This is a decision on the petition filed December 4, 2003 (certificate of mailing December 1, 2003), requesting that the above-identified application be accorded a filing date of July 3, 2003.

On July 3, 2003, applicants deposited the above-identified application. However, on October 1, 2003, the Office of Initial Patent Examination mailed a "Notice Of Incomplete Application" requiring drawings of applicants' invention and stating that the filing date would be the date of receipt of the omitted drawings. It is noted that the specification filed on July 3, 2003, describes drawings containing Figures 1-2, but no drawings were filed on July 3, 2003.

On December 4, 2003 (certificate of mailing December 1, 2003), applicants submitted the present petition and a \$130.00 petition fee. Applicants admitted that the application was deposited without drawings on July 3, 2003. Applicants asserted that the drawings were not necessary for the understanding of the subject matter sought to be patented. Applicants stated that the missing drawings presented graphs of data relating to 3 comparative examples, and therefore, did not involve the embodiment of the invention. Applicants did not submit any drawings with the present petition.

As stated in MPEP § 601.01(f), it is the practice of the United States Patent and Trademark Office (Office) to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP § 601.01(f) also states that:

A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application

filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description and the names of all the inventors.

This application contains method claims. Therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g).

MPEP § 601.01(g) states that if an application is filed without all of the drawing figure(s) referred to in the specification, a "Notice of Omitted Item(s)" is mailed indicating that the application has been accorded a filing date, but is lacking some of the figures of drawings described in the specification.

In view of the above, the requirement for drawings as set forth in the "Notice of Incomplete Application" of October 1, 2003, was mailed in error and is hereby withdrawn.

The petition is **granted**. The application will be accorded a filing date of July 3, 2003, without any drawings, as requested in the petition.

The \$130.00 petition fee is unnecessary and will be credited to Deposit Account No. 13-3723, as authorized.

The Office of Initial Patent Examination is directed to accord the above-identified application a filing date of July 3, 2003, without any drawings, and to mail a corrected filing receipt.

Any inquiries related to this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND												
1 Date of Request: <u>12/30/03</u>		2 Serial/Patent # <u>10/613,722</u>										
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT								
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<input type="checkbox"/>	Overpayment	<input checked="" type="checkbox"/> Treasury Check Credit Deposit A/C #: <table border="1" style="display: inline-table; vertical-align: middle;"> <tr> <td>1</td><td>3</td><td>--</td><td>3</td><td>7</td><td>2</td><td>3</td> </tr> </table>				1	3	--	3	7	2	3
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Notice of Incomplete is withdrawn												
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TYPED/PRINTED NAME: <u>C. T. Donnell</u>			TITLE: <u>Pat. Atty</u>									
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PATENT & TRADEMARK OFFICE

Patent
Case No.: 55093US009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: KARIM, NAIMUL
 Application No.: 10/613722 Group Art Unit: Unknown
 Filed: July 3, 2003 Examiner:
 Title: DENTAL MATERIALS WITH EXTENDABLE WORK TIME, KITS, AND METHODS

**RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION AND
 PETITION TO ACCORD FILING DATE**

Mail Stop: Office of Petitions
 Commissioner for Patents
 Washington, DC 20231

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on:

01 December 2003

Date

Renee A. Wolff

Signed by: Renee A. Wolff

Dear Sir:

This is in response to the NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION mailed on October 1, 2003 (copy enclosed). The application was deposited without drawings on July 3, 2003. The drawings are not necessary for the understanding of the subject matter sought to be patented, therefore no drawings are being submitted at this time. The missing drawings present graphs of data relating to 3 comparative examples, and thus do not involve embodiments of the present invention. Please accord a filing date of July 3, 2003. A Preliminary Amendment deleting from the specification any reference to the omitted drawing is also being submitted.

Please charge the petition fee of \$130.00 set forth in 37 CFR 1.17(h) to our Deposit Account No. 13-3723. Please charge any additional fees or reimburse any excessive fees to that Deposit Account. A duplicate copy of this document is submitted for charging purposes.

12/05/2003 SSITHIB1 00000114 133723 10613722

01 FC:1460 130.00 DR

Respectfully submitted,

December 1, 2003
 Date

By:

Sean J. Edman

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Office of Intellectual Property Counsel
 3M Innovative Properties Company
 Facsimile No.: 651-736-3833

Patent.gov Case: 01/07/2004
 12/05/2003 SSITHIB1 00000114 133723 10613722
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